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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 HOWARD JAY LEVINE,

13 Defendant.

NO. CR07-233-JLR

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release in this case was
16 scheduled before the undersigned Magistrate Judge on December 17, 2009. The United States
17 was represented by Assistant United States Attorney Doug Whalley, and the defendant by
18 Paula Deutsch. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Distribution of Controlled
20 Substances, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D). On or about February 19,
21 2008, defendant was sentenced by the Honorable James L. Robart to a term of twenty-two
22 months in custody, to be followed by three years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a mental health program
26 and financial disclosure.

1 In a Petition for Warrant or Summons dated September 30, 2009, U.S. Probation
2 Officer Richard B. Cowan asserted the following violations by defendant of the conditions of
3 her supervised release:

4 (1) Committing the crime of Distribution of Methamphetamine in King County,
5 Washington on or before August 27, 2009, in violation of the general condition that he not
6 commit a federal, state or local crime.

7 (2) Committing the crime of Possession of Methamphetamine in King County,
8 Washington on or about August 27, 2009, in violation of the general condition that he not
9 commit a federal, state or local crime.

10 (3) Using methamphetamine on or before August 27, 2009, in violation of standard
11 condition No. 7.

12 (4) Committing the crime of Reckless Driving in King County, Washington on or
13 about August 27, 2009, in violation of the general condition that he not commit a federal, state
14 or local crime.

15 (5) Failing to submit a written report to the U.S. Probation Office within the first
16 five days of April, May, June, July, August and September 2009 in violation of standard No. 2.


17 (6) Failing to notify the probation officer within ten days prior to a change of
18 residence, in violation of standard condition No. 6.

19 On November 5 2009, defendant made his initial appearance. The defendant was
20 advised of the allegations and advised of his rights. On December 18, 2009, this matter came
21 before the Court for an evidentiary hearing. Defendant admitted to violations 3 and 5. Alleged
22 violations 1, 2, 4 and 6 were dismissed without prejudice by the government.

23 I therefore recommend that the Court find the defendant to have violated the terms and
24 conditions of his supervised release as alleged in violations 3 and 5, and that the Court conduct
25 a hearing limited to disposition. A disposition hearing on these violations has been set before
26 the Honorable James L. Robart on January 20, 2010 at 10:00 a.m.

1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 18th day of December, 2009.

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4 JAMES P. DONOHUE
5 United States Magistrate Judge
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8 cc: District Judge: Honorable James L. Robart
9 AUSA: Doug Whalley
10 Defendant's attorney: Paula Deutsch
11 Probation officer: Richard B. Cowan
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